

# IMLI *e*-News

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## INTERNATIONAL MARITIME ARBITRATOR AND MEDIATOR LECTURES AT IMLI

Mr. David Martin-Clark (International Maritime Arbitrator and Commercial Dispute Mediator) visited the IMO International Maritime Law Institute on 16 and 17 March 2017 and gave a set of lectures on ‘The Rotterdam Rules’ and ‘Electronic Commerce and the Shipping Industry’ to the IMLI Class of 2016 – 2017.



*Mr. David Martin-Clark (International Maritime Arbitrator and Commercial Disputes Mediator) meeting the IMLI Class of 2016 – 2017*

In his lecture on the Rotterdam Rules, Mr. Martin-Clark recounted that the Rotterdam Rules came into existence as a result of the increasing disharmony in national laws relating to the carriage of

goods by sea. He explained that while some States remain parties to the original Hague Rules or continue to work on the basis of legislation based on those Rules, such as the United States, others have adopted the Hague-Visby Rules, such as the UK, or the Hamburg Rules.

Mr. Martin-Clark further explained that the lack of a convention dealing with multimodal transport, besides the UN Multimodal Transport Convention of 1980 which has had no support yet, has created a void as the existing rules have no provisions on electronic commerce and do not also fully address the problems of containerisation. The Class was informed on how the Comité Maritime International (CMI) became instrumental in the adoption of the 'Rotterdam Rules' with the aim to fill the gap in the existing carriage of goods regime.

Some of the salient features of the Rotterdam Rules deliberated upon by the class included the scope of application (including waybills), the period of the carrier's responsibility (from a place of receipt to a place of delivery) and the nature and extent of carrier's responsibility.

In introducing the 'Electronic Commerce and the Shipping Industry', Mr. Martin-Clark engaged the students in examining the UNCITRAL Model Law on Electronic Commerce which was adopted in December 1996. The students learned that the Model Law applies to any kind of information in the form of a data message used in the context of commercial activities.

Mr. David Martin-Clark works as a shipping & insurance consultant. He was engaged for more than thirty years in the marine insurance business (principally liability insurance) in the London firm of Thomas Miller & Co, managers of mutual insurance companies ('Clubs') for the shipping and transport industry, such as the UK P&I Club, among others.

Mr. Martin-Clark became Chief Executive and Chairman of the group and founding Chairman of Thomas Miller (Asia Pacific) in Hong Kong, where he worked for a considerable period of time. Upon leaving the Firm, he became an associate member of Stone Chambers, a set of barristers Chambers in Gray's Inn, London.

He is the founder and editor of the legal case notes website DMC's Case Notes which can be accessed at [www.onlinedmc.co.uk](http://www.onlinedmc.co.uk). He lectures at post-graduate level in universities in the UK and abroad.

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